

TITLE: EVIDENCE MANAGEMENT

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PURPOSE

The purpose of this directive is to establish guidelines and responsibilities for the storage of evidence and property within the Evidence Section of the Administrative Section of the Santa Fe Police Department.

DISCUSSION

This Directive will address evidence and property in the custody of the Department and that, which is acquired by the Department as found, recovered, or evidentiary property. The Department's Property Custodian shall develop and maintain strict controls with respect to the handling, security, and disposition of property.

POLICY

It is the policy of the Santa Fe Police Department to provide for the safe, efficient, and careful handling and preservation of all property and evidence that comes under the control of the Department and to ensure the proper chain of custody on each item.

PROCEDURE**ADMINISTRATION**

52.1.01 All, recovered, or evidentiary property shall be stored in the Department's evidence storage facility located in the Department's basement, in the evidence locker room located in the Police Department during periods when the main evidence storage facility is closed, or in a secured compound on Huey Road.

52.1.02 All found property will be submitted at the discretion of the on-duty commander.

STORAGE AREAS

52.1.03 The Department maintains its primary storage facility at 2515 Camino Entrada, Santa Fe, NM 87507. The facility serves as:

- The Department's main evidence storage facility.

52.1.04 The Department maintains its secondary storage facility at 4201 Huey Road, Santa Fe, NM 87507. The facility serves as:

- The main vehicle storage compound.

RESPONSIBILITY/ACCOUNTABILITY FOR EVIDENCE

A. 52.1.05 The Property Custodian is directed to properly manage evidence and property submitted to the Department's evidence storage facilities. The Property Custodian is ultimately responsible for all received property. For the purpose of this policy, the Evidence/Property Specialist is designated as the Property Custodian for the Department. The Property Custodian is assisted by Evidence/Property Technician(s) in the discharge of his/her duty. Only the Property Custodian and Evidence/Property Technician(s), assigned directly to the Evidence/Property Section shall have the authority to access secured areas.

52.1.06 Officers or Crime Scene Technicians collecting evidence, property, or found items will be responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the Property Custodian.

A. Officers/Technicians will ensure that these items have been properly marked, sealed and labeled prior to leaving the scene and turning into evidence.

52.1.07 The Property Custodian will be responsible for the preservation, safeguarding, and disposition of all submitted property. The Property Custodian will not be responsible for any evidence or property not turned in or where no receipt was obtained. The duties of the Property Custodian are:

- A. Maintain all evidence and property in a secure location designated as the property room located in the basement of the police station.
- B. Record all submitted evidence and property.
- C. Regularly inspect and empty the secure evidence lockers.
- D. Secure access to the property area when the Property Custodian is not present. Inspect the surveillance and security system that monitors access to the property area to ensure it is operational. Maintain custody of evidentiary vehicles stored in the impound lot. Vehicle keys will be turned in to the property custodian along with an evidence tag.
- E. Dispose of all property in accordance with all applicable laws and ordinances.

52.1.08 Evidence Logs:

- A. The Property Custodian shall maintain a computerized log of all items submitted for evidence or safekeeping and the log will contain the information documented by the submitting officer on the evidence tag.
 - 1. The log will be available at any time for the purpose of an audit.
 - 2. Copies of the evidence tag will be maintained by the evidence custodian in accordance with the New Mexico Records Retention Act.

52.1.09 Examination of Evidence by Outside Agencies:

- A. When evidence needs to be examined by an outside agency, the investigating officer shall retrieve the evidence from Property and personally deliver it to the outside agency or ship it by registered mail.
 - 1. When the examination is completed by the outside agency, the investigating officer is responsible for the return of the evidence from the agency to the property officer.

52.1.10 Tracking of Evidence Submitted to Outside Agencies:

- A. Evidence that is transferred from a scene or an officer's custody directly to an outside facility, bypassing the Department's Evidence/Property

Section, must be cataloged by the Property Custodian.

- 1. An inventory list or a copy of a receipt for evidence submitted to a facility other than the Department's Evidence/Property Section is to be submitted to the Property Custodian.
- 2. The information will be entered into the property control computer so that the location and status of the evidence can be tracked.

52.1.11 Laboratory Analysis of Narcotics Evidence:

- A. Evidence to be taken to the Department of Public Safety Crime Laboratory for analysis will be retained and submitted by the investigating officer. Submission to the Department of Public Safety Crime Lab shall be within twenty-four (24) hours, or if on a weekend, submission must be on Monday.

- 1. All required lab forms will be completed when submitting the items and a copy of the lab receipt will be included with the items upon return to the officer. This copy shall be submitted to the Property Custodian along with the returned evidence.

- B. A report will be written by any person that conducted a field test for any suspected controlled substance.

52.1.12 Miscellaneous:

- A. No evidence or property will be left unattended and unsecured or turned into anyone other than the property custodian.
- B. The Property Custodian is responsible for ensuring that the property management record system is updated on a daily basis.
 - 1. The date and time property is received or released, the location of property, and the amount of property on hand is to be included in the evidence record.
 - 2. The complete chain of custody will be kept from the time the property was stored until its final disposition.
 - 3. The dates and results of all inspections, inventories, and audits will be included.

PROCEDURES FOR SUBMISSION OF EVIDENCE

52.1.13 Items to be Tagged:

- A. An evidence tag shall be completed on all articles of evidence, confiscated property, and found items.
 - 1. Each tag will be properly filled out and include all available information.
 - 2. The evidence tag will be approved and initialed by submitting officer's supervisor.
 - 3. The evidence shall be submitted to the property/evidence control function by the submitting Officer prior to end of his/her tour of duty.
- B. After the property custodian accepts the tagged evidence, the submitting officer shall maintain their own copy.
- C. It will be the duty of the investigating officer to make an attempt to locate the owner of any found item.
 - 1. If the owner is found before the property is turned over to the Property Custodian, the officer shall return the item to the owner and obtain a signed receipt.
 - 2. An evidence tag will be used as a receipt. The second copy (yellow) is given to the owner. The first copy (white - file copy), will be turned in with the report.
- D. The Property Custodian shall be responsible for mailing or shipping found items. Property will be shipped out through the City of Santa Fe's mailroom.
- E. Items will be released after proof of ownership has been presented.
- F. Only properly tagged, prepared, and packaged evidence will be placed in the evidence lockers.
 - 1. Narcotics and controlled substances will be placed in the narcotics locker.
 - 2. U.S. currency taken as evidence or for safekeeping is to be deposited in the safe in the evidence locker room and submitted to the City Cashiers Office as soon as possible thereafter.

G. The keys for the evidence lockers will be kept in the office of the Property Custodian. The Property Custodian is in charge of the keys for the narcotics lockers. The Crime Scene Technicians are in charge of the keys for the latent print locker.

H. If, after regular business hours, evidence that is oversized or that has an inordinately high value cannot or should not be placed in a locker, the Property Custodian may be called out to receive the property.

- 1. The On Duty Commander must authorize the call out. If the Property Custodian cannot be located, the initial officer is still responsible for the security of the evidence until it can be submitted.
- 2. Evidence shall never be left unattended in any team/unit office or in any other unsecured area of this Department.

52.1.14 Wet Blood Items:

- A. Since it is necessary to dry evidence that is wet with blood (or other body fluids) prior to being packaged and submitted as evidence, the following procedures will be followed:
 - 1. The evidence will be placed in paper containers when they are collected.
 - 2. The evidence will be hung in the designated biohazard evidence locker to dry.
- B. The paper container used to transport the evidence will also be placed in the same locker.
- C. The locker will be closed and locked. The locker key will be placed in the statement locker.
- D. The dried evidence, transport container, and locker lining paper will be placed in a second clean, paper container and turned in as evidence in the normal manner.
- E. Latex gloves and protective clothing will be worn while handling items that have blood on them. Preferably, double gloves should be worn.
- F. The Property Custodian or Crime Scene Technician is to ensure that all lockers have been thoroughly cleaned after each use. The following cleaning procedure will be used:
 - 1. The person that cleans the locker will wear double latex gloves.

2. Wash the interior of the locker with a 10% chlorine bleach solution.
3. Re-line the interior of the locker with clean, new, white butcher paper.

52.1.15 Tagging Drugs and Other Drug Related Items:

- A. Due to the hazardous nature of controlled substances and related materials used in the production of controlled substances, the following procedures will be used when tagging these items for evidence:
 1. Controlled substances, with the exception of marijuana, will be submitted with a separate evidence tag. The evidence will be sealed in a plastic bag and the submitting officer will initial the seal with a permanent marker.
 2. Tablets, pills, capsules, etc., submitted as evidence will be counted. The amount will be noted on the description section of the evidence tag.
 3. The sealed plastic bag will be weighed and the weight will be written on the evidence tag. Scales are located in the Commander's supply closet and in each patrol office.
- B. Controlled substances will be packaged separately according to type (marijuana, cocaine, amphetamines, barbiturates, etc.). Controlled substances and any paraphernalia or equipment will not be packaged together.
- C. Marijuana that is not completely dry will be packaged in a paper bag or cardboard box with an evidence tag attached to the exterior of the package. "Green marijuana" will be written in the description section of the evidence tag.
- D. The handling Officer/Detective will contact the Property Custodian to coordinate the effort to dry all marijuana that is not completely dry when it is submitted. When the marijuana is dry, the Property Custodian will contact the handling Officer/Detective to package, seal, and weigh the marijuana prior to being submitted in the narcotics evidence room. Under no circumstances will marijuana that is not completely dry, be placed in airtight bags or sealed containers.

- E. Hypodermic needles confiscated, as evidence must be securely and safely packaged in a sharps evidence container and submitted into evidence.

1. In a situation concerning found hypodermic needles not suspected of being involved in criminal activity, the officer may dispose of them in a safe manner.
2. The approved method of disposal is through the use of an OSHA approved container, which may be turned in at area hospitals or through the Property Section.

52.1.16 Storage of Controlled Substances:

- A. The Property Custodian will store all controlled substances in the narcotics vault located in the evidence room
- B. The Property Custodian will have one of two necessary keys needed to open the narcotics vault. The Administrative Deputy Chief or designee will have the second key.
- C. The chain of evidence should consist of only the investigating officer, the analyst, and the Property Custodian. The investigating officer will keep a record of the receipt only.
- D. At no time will any one person be in possession of both access keys to the narcotics vault.
- E. A log of all money, narcotics, and other evidence placed into the narcotics vault or lockers will be kept and maintained by the Property Custodian utilizing the Records Management System.
- F. All containers of narcotics, controlled substances, and dangerous drugs shall be periodically inspected for tampering or replacement. The containers holding these substances shall be officially sealed in tamper-proof packages.
- G. All contingency money used by the Criminal Investigations Division will be kept in a designated safe until properly dispensed. Expenditures of contingency money will be reported to the Operations Deputy Chief's office on a monthly basis. It shall be the responsibility of the Criminal Investigations Division Lieutenant to accurately balance and report this fund. The logs will include the case number of the investigation and name of the officer requesting the funds.

52.1.17 Submitting Jewelry and/or Precious Metals:

- A. Jewelry/precious metals will be packaged separately from other evidence or items, in sealed plastic bags with a supplemental evidence tag. Jewelry and precious metals will be stored in a special area for jewelry in the evidence room.

52.1.18 Submitting Firearms:

- A. All firearms will be run through N.C.I.C prior to submission into evidence.
- B. Due to the hazards involved with the handling of firearms, the following procedures will be used when submitting a firearm to Property:
- C. All firearms will be unloaded prior to being turned into Property. If the firearm cannot be unloaded, the firearm and package will be boldly and clearly marked to alert the Property Custodian.
- D. Firearms should be packaged in paper bags or cardboard boxes only. The evidence tag will be attached to the outside of the package.
- E. Cartridge casings and unfired ammunition removed from the firearm, including magazines, will be secured with the firearm.

52.1.19 Submitting Knives :

- A. Due to the extreme biological hazards associated with these items, special attention and care must be used in collecting, packing, and submitting them.
- B. Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.
- C. Knives with exposed blades will be placed in a sharps container. If the blade is too large for a sharps container, the blade will be placed between two pieces of cardboard and will be secured to prevent the cardboard from being accidentally removed from the blade and placed in a knife container.

52.1.20 Submitting Money/Currency:

- A. When monies are to be taken into the custody of the Santa Fe Police Department, they must be identified as belonging to one of the following categories.

1. Confiscated/seized monies apply to the category of monies taken during an investigation of an incident in which the monies could become the subject of forfeiture under law, to include 30-31-34 NMSA.
 2. Evidence monies are those in which the actual money is considered evidence of the criminal act. This type of evidence includes bank bait straps; unique currencies that can be identified easily; monies intentionally marked by this agency for use in an undercover operation; or monies that must be fingerprinted.
 3. Monies that fall into the safekeeping category are limited to money/currency that is found and turned over to the Santa Fe Police Department; monies that are found and the owner cannot be identified or located; and money that has been turned in which has an actual value that exceeds face value such as coin collections or rare bills.
- B. Once the determination has been made to take money into custody the officer shall count the money in front of the person from whom it is being taken, if possible.
 - C. The submitting officer will count the money again in the presence of a commander. At that time the money will be sealed in an envelope and the following information will be written on the outside of the envelope:
 1. Offense/Incident number;
 2. Date;
 3. Dollar amount;
 4. Name and signature of the submitting officer;
 5. Name and signature of the verifying Commander;
 6. The category of money being submitted. (Confiscated/seized; evidence; safekeeping)
 - D. The sealed envelope will be attached to an evidence tag if the money is the only item being submitted.
 - E. The amount of money being submitted will be documented using the actual denominations, such as five dimes or three, one-dollar bills.

F. Currency/Money shall be submitted as follows:

1. Confiscated/seized money will be turned in to the Property Custodian or designee.
2. Evidence money will be turned in to the Property Custodian. Submission shall be in person during normal hours of operation.
3. Safekeeping monies will be submitted directly to the Property Custodian or designee with the exception of rare coins/currency or coin collections. Currency/coin that has a higher actual value **must** be submitted to the Property Custodian for safekeeping.
4. In the event that the proper person is not available to accept the monies or submission is after their normal work schedule, the submitting officer and Commander will submit the envelope and tag by placing the items in the safe located in the Evidence Locker Room.

G. Money that is submitted as confiscated or safekeeping (other than rare or collector coin/currency) will be transferred to the Police Department Escrow Account as soon as possible. A log of these monies will be kept by the proper authority and receipts will be obtained from the City Cashier's Office for retention and audit purposes.

H. Disbursement of all monies held by the agency will be done through court order, release order from the District Attorney, or upon identification and location of an owner.

52.1.21 Vehicles as evidence:

- A. The investigating officer will indicate, in the report, the reasons for a vehicle impoundment.
- B. A completed evidence tag and the vehicle keys will be submitted into the evidence statement locker. If no keys are available it will be noted on the evidence tag.
- C. Owners wishing to obtain a vehicle from the impound lot will be put in contact with the Property Custodian. The Property Custodian will contact the Case Agent and/or the District Attorney's Office to determine if the vehicle is no longer needed for evidentiary purposes and able to be released.

1. When a vehicle that is no longer needed for evidentiary purposes is to be released from impoundment, the Property Custodian will contact the owner by telephone to provide notice and instructions to retrieve the vehicle. If contact is unable to be made by telephone a notice will be sent by registered mail to the registered owner advising of the status of the vehicles.
2. After receipt of the notice, the owner will have 30 days to remove the vehicle from Department impound lot.
3. Released vehicles that are not taken from the impound lot after 30 days will be transferred to a private storage lot. The owner of the vehicle will be responsible for all charges incurred.

52.1.22 Confiscated/Seized Property:

A. Handling of confiscated/seized property.

1. When property is confiscated or seized from a person, that person is to be told the reason for the confiscation and will be provided with an inventory list of the property.
2. The Criminal Investigations Division Lieutenant will submit a memo to the Office of the Chief and the City Attorney requesting the initiation of forfeiture proceedings for the seized vehicle.
3. The Criminal Investigations Division Lieutenant will retain all documentation concerning seized/confiscated vehicle cases. All future documentation and correspondence concerning the case will be kept in the same file.
4. Any property which has been received by the Department as a result of delivery of legal process services shall be accounted for in Department records. This shall include property seized pursuant to a court order and shall include a description of the property and the name of the person from whom the property was received.
5. Any property acquired through legal process will be utilized or disposed of as ordered by the Chief of Police or designee. This will only be done after the property has been awarded to the City by a court of competent

authority and within the guidelines set by law.

52.1.23 Use/Disposal of Forfeited Property/Vehicles:

- A. All forfeited property or vehicles shall be disposed of as ordered by the Chief of Police or designee and only after being awarded to the City by a court of competent authority and within the guidelines set by law.
- B. Property that is to be disposed of shall be either auctioned or destroyed in the manner prescribed by law, after the proper court order has been submitted and signed.

52.1.24 Disposition of Articles Placed into Evidence:

A. Release of evidence for use in court.

1. The Property Custodian may release evidence to the concerned officer for use in court or may personally transport the evidence to court to maintain its integrity. In the event that evidence is released, and such evidence is admitted as an exhibit at a hearing or trial, or otherwise taken into custody of the court, the member responsible for such evidence shall submit a report supplement, using the same case number, specifically listing each item retained by the court.
2. The Property Custodian shall get at least 48 hours advance notice for the retrieval and release of evidence needed by an officer subpoenaed for court or a hearing. An exception would be if a subpoena is issued on short notice.

B. Release or disposal of evidence and other property.

1. The release or disposal of evidence after adjudication will be the responsibility of the respective Property Custodian. This release or disposal will be done in accordance with all municipal ordinances, state statutes, or court orders.
2. No officer or commander will make appointments for people with the Property Custodian for the purpose of releasing or viewing items. The people will be told to contact the Property Custodian at the department to make the arrangements concerning property.

3. All items will be released to the rightful owner or will be disposed by the Property Custodian in accordance with the municipal ordinances, state statute, or court order.

4. Property unclaimed by the owner, that is no longer required for any judicial purpose, is not needed for any public purpose, or has been left in the possession of the Department for more than 90 days shall be sold at public sale, reverted to City use, or destroyed. No property will be returned to any person that has turned in property but is not the owner.

- Cash money is deposited at City Hall and deposited into the General Fund.
- Firearms are disposed of in accordance with applicable laws and City of Santa Fe Resolution #2016-59 in regard to the destruction of firearms.

5. Final disposition of found, recovered, and evidentiary property will be accomplished within six months after legal requirements have been satisfied. This will prevent an overload on the property management system and reduce the need for additional storage space. Photographs will be taken of property prior to its return to the owner.

6. Any person not employed by the Santa Fe Police Department who requests to photograph any item held as evidence must have an authorization letter from the Office of the District Attorney or a court of law.

C. Destruction or disposal of controlled substances and firearms.

1. Controlled Substances: Will be destroyed or incinerated at the New Mexico Department of Public Safety when they are no longer needed for court prosecution.
2. Firearms: The Property Custodian, the Chief of Police or his/her designee will follow all applicable laws and City of Santa Fe Resolution #2016-59 in regard to the destruction of firearms.

INSPECTIONS/INVENTORY

52.1.25 The Deputy Chief of Administration shall inspect the property room and files, at least once a month, to ensure that all procedures are being followed, and to ensure the proper accountability procedures are being maintained.

52.1.26 An annual audit of property held by the agency is conducted by an employee not routinely or directly connected with property control.

52.1.27 When a change of Property Custodians occurs an inventory of the property held in the Evidence Section shall be conducted by the new Property Custodian and Chief of Police's designee to ensure that records are correct and properly annotated. When the new Property Custodian signs for the inventory he/she becomes responsible for the total inventory.

52.1.28 Unannounced semi-annual inspections shall be conducted of the property storage areas to include random inspections of records with physical property, as directed by the Chief of Police.

Drafted(amb) 10/02(awm)10/03 (bpv) 4/17

APPROVED: _____


PATRICK G. GALLAGHER
Chief of Police

DATE: _____

5/15/17